

Rules of Department of Labor and Industrial Relations

Division 50—Workers' Compensation Chapter 7—Missouri Workers' Safety Program

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Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Division 50—Workers' Compensation Chapter 7—Missouri Workers' Safety Program

8 CSR 50-7.010 Purpose

PURPOSE: This rule establishes the purpose for the Missouri Workers' Safety Program, as required by section 287.123, RSMo.

(1) The Missouri Workers' Safety Program shall administer and enforce the provisions regarding certification, review and renewal of insurance company safety programs, and the certification of safety engineers and safety consultants, as required by section 287.123, RSMo.

(2) The Division of Workers' Compensation of the Department of Labor and Industrial Relations shall establish and maintain a job safety and health information system. The division shall analyze the information to identify and assign priorities to safety and health needs. The division shall promote workers' health and safety through educational programs and other innovative programs developed by the division.

(3) The division shall collect and serve as a repository for statistical information on workers' health and safety. The job safety and health information system shall include a comprehensive data base that incorporates all pertinent information relating to each reported injury involving a lost time incident of any employer utilizing the safety and health services available under section 287.123, RSMo. The information collected shall be submitted by the insurance carrier on a quarterly basis or as requested by the division.

AUTHORITY: sections 287.123 and 287.650, RSMo Supp. 1993. Emergency rule filed July 7, 1994, effective July 17, 1994, expired Nov. 13, 1994. Emergency rule filed Oct. 24, 1994, effective Nov. 14, 1994, expired March 13, 1995. Original rule filed July 8, 1994, effective Jan. 29, 1995.*

**Original authority: 287.123, RSMo 1993 and 287.650, RSMo 1939, amended 1949, 1961, 1980, 1993.*

8 CSR 50-7.020 Definitions

PURPOSE: This rule defines the terms used in the Missouri Workers' Safety Program.

(1) The words defined in section 287.123, RSMo shall have the same meaning as when used in these rules, unless the context plainly requires a different meaning.

(A) Acceptable educational institution—

1. A school, college, university or other institution of higher learning in the United States which, at the time the applicant was enrolled and graduated, was accredited by a regional accrediting commission recognized by the United States Department of Education; or

2. A school, college, university or other institution of higher learning outside the United States which, at the time the applicant was enrolled and graduated, maintained a standard of training substantially equivalent to the standards of training of those institutions accredited by one (1) of the regional accrediting commissions recognized by the United States Department of Education.

(B) Case management—The focusing of attention and effort on the management of workers' compensation cases, which may involve the resolution of both medical and non-medical concerns.

(C) Department—The Missouri Department of Labor and Industrial Relations.

(D) Director—The director of the Missouri Department of Labor and Industrial Relations.

(E) Division—The Division of Workers' Compensation.

(F) Division director—The director of the Division of Workers' Compensation.

(G) Hazards—The conditions, equipment, environment or people which can have an adverse effect on the physical or health status of the worker, employer and/or property.

(H) Outline—The written outline filed by an insurance carrier with the Missouri Workers' Safety Program for the purpose of obtaining certification.

(I) Program—The safety and health services provided by an insurance carrier to its insured employer. The program shall be based on objectively determinable risk or loss control factors associated with an individual employer.

(J) Program manager—Program manager of the Missouri Workers' Safety Program.

(K) Safety and health review audit—A comprehensive survey or review of an employer's operation of business.

(L) Safety management—The administration, implementation and maintenance of persons and property that effectively reduces or removes recognizable and/or foreseeable hazardous conditions or acts.

AUTHORITY: sections 287.123 and 287.650, RSMo Supp. 1993. Emergency rule filed*

July 7, 1994, effective July 17, 1994, expired Nov. 13, 1994. Emergency rule filed Oct. 24, 1994, effective Nov. 14, 1994, expired March 13, 1995. Original rule filed July 8, 1994, effective Jan. 29, 1995.

**Original authority: 287.123, RSMo 1993 and 287.650, RSMo 1939, amended 1949, 1961, 1980, 1993.*

8 CSR 50-7.030 Name and Address Change

PURPOSE: This rule outlines the requirements and procedures for notifying the Missouri Workers' Safety Program of name and address changes.

(1) All insurance carriers or claims administrators obtaining certification of a safety engineering and management program, and all individuals certified as a safety consultant or safety engineer, shall ensure that the certificate bears the current legal name of the individual or corporation.

(2) A certificate holder whose name or address is changed shall promptly notify the Missouri Workers' Safety Program and provide a copy of the appropriate document indicating the change as well as requesting that a new certificate be issued.

AUTHORITY: sections 287.123 and 287.650, RSMo Supp. 1993. Emergency rule filed July 7, 1994, effective July 17, 1994, expired Nov. 13, 1994. Emergency rule filed Oct. 24, 1994, effective Nov. 14, 1994, expired March 13, 1995. Original rule filed July 8, 1994, effective Jan. 29, 1995.*

**Original authority: 287.123, RSMo 1993 and 287.650, RSMo 1939, amended 1949, 1961, 1980, 1993.*

8 CSR 50-7.040 Certification Requirements: Safety Engineering and Management Program

PURPOSE: This rule outlines the requirements for certification of a safety engineering and management program.

(1) The criteria of a certified safety engineering and management program, as established by an insurance carrier, shall include:

(A) Administration.

1. The insurance carrier shall notify each insured employer at the time of the initial purchase of a policy and, annually thereafter, of the availability of its services pertaining to a comprehensive safety engineering and management program.

2. The insurance carrier shall designate and appoint a person to be responsible for the initiation and management of its program.

3. The insurance carrier shall coordinate or supervise the collection of information relating to worker safety to measure the effectiveness of the safety program, including the effect of the program on the employer's injury and occupational disease incidence rate, the severity of injuries that do occur and other reports as required by the division;

(B) Implementation and Management.

1. The insurance carrier shall establish a program designed to address the worker safety and health needs of its insured employer. The program shall be put in the form of a written outline and shall include—

A. Provisions for providing an employer with resources to address safety and health issues and advising an employer of the availability of resources and individuals competent to address safety and health concerns;

B. Provisions for assisting an insured employer to develop a comprehensive safety and health program, pertaining to the specific needs of that employer;

C. Provisions for assisting an insured employer to identify health hazard exposure, as may be applicable; and

D. Provisions for assisting an insured employer to conduct effective accident investigation procedures.

2. The insurance carrier, upon request, shall perform a review of its insured employer's written program(s), and shall assist the employer in establishing a minimally acceptable written program(s). The program(s) shall be based on objectively determinable risks or loss control factors associated with an individual employer.

3. The insurance carrier, upon request, shall perform a safety and health review audit, which shall include on-site inspections, consultations or surveys as deemed appropriate and necessary to assist the employer in identifying actual or potential health and safety hazards.

4. The insurance carrier, upon request, shall provide or recommend available resources for case file management. The focus of case file management shall be on returning the injured employee to work as soon as medically possible. The insurance carrier should provide education and/or assistance to the employer in the development of modified duty programs and internal case management; and

(C) Education.

1. The insurance carrier shall establish an educational training and information program designed to educate employers in the

identification of health and safety hazards and the prevention of occupational injuries and illnesses.

2. The insurance carrier, upon request, shall make available to any insured employer, educational resources or information pertaining to:

A. Engineering and work practice controls;

B. General safety management techniques; and

C. Such other information as may be appropriate.

AUTHORITY: sections 287.123 and 287.650, RSMo Supp. 1993. Emergency rule filed July 7, 1994, effective July 17, 1994, expired Nov. 13, 1994. Emergency rule filed Oct. 24, 1994, effective Nov. 14, 1994, expired March 13, 1995. Original rule filed July 8, 1994, effective Jan. 29, 1995.*

**Original authority: 287.123, RSMo 1993 and 287.650, RSMo 1939, amended 1949, 1961, 1980, 1993.*

8 CSR 50-7.050 Application for Certification: Safety Engineering and Management Program

PURPOSE: This rule outlines the procedures for obtaining certification as a certified safety engineering and management program.

(1) An application for certification must be made on a form provided by the Missouri Workers' Safety Program. Application forms may be obtained by requesting a copy from the Missouri Workers' Safety Program, P.O. Box 58, Jefferson City, MO 65102. The application must be filed within sixty (60) days of the date the insurance company is authorized to sell workers' compensation insurance in the state of Missouri. If the insurance company is authorized to sell workers' compensation insurance prior to the effective date of this rule, the sixty (60) days shall run from notification by the program manager.

(2) An application must be typewritten and signed by an authorized representative of the insurance carrier.

(3) A written outline of the insurance carriers proposed certified safety engineering and management program must be on file before an application will be considered complete and officially filed.

(4) The Missouri Workers' Safety Program shall conduct random on-site visits with the

insureds of the insurance carrier as part of the certification or renewal process.

(5) Following the Missouri Workers' Safety Program review process, the applicant will be informed by letter of the approval or denial of certification. The denial letter will identify the reasons for denial and the appeal process.

AUTHORITY: sections 287.123 and 287.650, RSMo Supp. 1999. Emergency rule filed July 7, 1994, effective July 17, 1994, expired Nov. 13, 1994. Emergency rule filed Oct. 24, 1994, effective Nov. 14, 1994, expired March 13, 1995. Original rule filed July 8, 1994, effective Jan. 29, 1995. Amended: Filed May 23, 2000, effective Jan. 30, 2001.*

**Original authority: 287.123, RSMo 1993 amended 1998; and 287.650, RSMo 1939, amended 1949, 1961, 1980, 1993, 1995, 1998.*

8 CSR 50-7.060 Requirements For Certification: Safety Engineers and Safety Consultants

PURPOSE: This rule defines the requirements for certification as a certified safety engineer or certified safety consultant.

(1) Individuals applying for certification as a certified safety engineer and/or safety consultant shall submit a properly completed and typed application, together with all required documentation to the Missouri Workers' Safety Program.

(2) Each applicant seeking certification pursuant to 287.123, RSMo to be a safety engineer or safety consultant certified by the state pursuant to this rule shall furnish evidence to the division that the applicant:

(A) Is at least eighteen (18) years of age;

(B) Is a United States' citizen or a legal alien; and

(C) Has not been convicted of a felony during the ten (10) years immediately preceding the application for certification.

(3) In addition to the qualifications as set forth in section (2), an applicant for certification as a certified safety engineer shall submit evidence of having obtained licensure as a professional engineer from the Missouri Board for Architects, Engineers and Land Surveyors.

(4) In addition to the qualifications set forth in section (2), an applicant for certification as a certified safety consultant shall submit evidence of meeting one (1) of the following qualifications:

(A) Obtained a bachelor's, master's or doctoral degree from an acceptable educational institution in—

1. Industrial hygiene;
2. Engineering, with a major or concentration in occupational/industrial safety and health; or
3. Science, with a major or concentration in occupational/industrial safety and health;

(B) Obtain a bachelor's, master's or doctoral degree from an acceptable educational institution with an academic degree training program designed to teach primarily the principles and techniques of safety and health and shall be designed to train the students to become a professional in safety and health, and to engage in the practice of professional safety and health. The teaching of safety and health principles and techniques shall not be incidental to the degree program, but shall be the major course of study;

(C) Be certified as a safety professional by the Board of Certified Safety Professionals (BCSP), and currently engaged in the full-time practice of safety consulting;

(D) Be certified as an industrial hygienist by the American Board of Industrial Hygienists (ABIH), and currently engaged in the full-time practice of safety consulting;

(E) Be certified as an occupational health nurse certified by the American Board of Occupational Health Nurses, Inc., and currently engaged in the full-time practice of safety consulting;

(F) Be certified as an occupational health physician in occupational medicine by the American Board of Preventive Medicine, and currently engaged in the full-time practice of safety consulting; or

(G) Be currently engaged in the full-time practice of safety consulting, and has been engaged in a full-time practice for three (3) years. The applicant must complete an academic requirement exemption form provided by the Missouri Workers' Safety Program.

AUTHORITY: sections 287.123 and 287.650, RSMo Supp. 1999.* *Emergency rule filed July 7, 1994, effective July 17, 1994, expired Nov. 13, 1994. Emergency rule filed Oct. 24, 1994, effective Nov. 14, 1994, expired March 13, 1995. Original rule filed July 8, 1994, effective Jan. 29, 1995. Amended: Filed May 23, 2000, effective Jan. 30, 2001.*

*Original authority: 287.123, RSMo 1993 amended 1998; and 287.650, RSMo 1939, amended 1949, 1961, 1980, 1993, 1995, 1998.

8 CSR 50-7.070 Application for Certification: Certified Safety Consultant/Certified Safety Engineer

PURPOSE: This rule outlines the procedures for application for certification as a certified safety engineer or certified safety consultant.

(1) Applications for certification as a certified safety consultant or certified safety engineer must be made on the forms provided by the Missouri Workers' Safety Program. Application forms may be obtained by requesting a copy from the Missouri Workers' Safety Program, P.O. Box 58, Jefferson City, MO 65102.

(2) An application, including the applicant's Social Security number, must be typewritten, signed and notarized.

(3) The following documents must be on file with the division or must accompany the application:

(A) Authenticated copy of diploma or certificate;

(B) Proof of certification by a recognized professional agency as set out in 8 CSR 50-7.060(4)(B)–(F); and

(C) Any additional information as the division deems necessary.

(4) If an applicant has been a defendant in a civil suit involving his/her professional activity or conduct, the applicant shall submit a certified copy of the final judgment. If the case is not yet final, the applicant shall submit a certified copy of the complaint and the clerk's docket sheet.

(5) Following the Missouri workers' safety review process, the applicant will be informed by letter of the approval or denial of certification. The denial letter will identify the reasons for denial and the appeal process.

AUTHORITY: sections 287.123 and 287.650, RSMo Supp. 1999.* *Emergency rule filed July 7, 1994, effective July 17, 1994, expired Nov. 13, 1994. Emergency rule filed Oct. 24, 1994, effective Nov. 14, 1994, expired March 13, 1995. Original rule filed July 8, 1994, effective Jan. 29, 1995. Amended: Filed May 23, 2000, effective Jan. 30, 2001.*

*Original authority: 287.123, RSMo 1993 amended 1998; and 287.650, RSMo 1939, amended 1949, 1961, 1980, 1993, 1995, 1998.

8 CSR 50-7.080 Continuing Education

PURPOSE: This rule identifies the requirements for obtaining continuing education for those individuals who have received certification as a certified safety consultant or certified safety engineer.

(1) Individuals seeking to maintain certification as a certified safety consultant or certified safety engineer shall submit annually, in writing, proof of having completed one (1) continuing education unit (CEU) during the preceding twelve (12)-month period.

(2) A CEU shall be defined as ten (10) contact hours of participation in an organized or continuing education experience under responsible sponsorship, capable directors, and qualified instructors. Ten (10) contact hours shall equal one (1) CEU; and fifty (50) minutes of instruction shall equal one (1) contact hour.

(3) The course of instruction shall be related to occupational safety and health, and seminar programs that offer CEU credit shall be preapproved by the Missouri Workers' Safety Program. Examples of acceptable areas of instruction are safety management, industrial hygiene, industrial safety, general safety, driver safety, fire safety, aviation safety, transportation safety, occupational safety and health administration, accident and statistical reporting, safety training, safety engineering, system safety analysis, construction safety, legal and ethical issues related to safety, chemical or biological safety or environmental safety.

(4) Certified safety engineers or certified safety consultants that want to obtain CEU credit for an unapproved seminar shall submit a written request to the program manager including the seminar brochure which outlines the seminar program and faculty for approval of the seminar to meet the CEU requirement. The request may be submitted after the seminar has occurred.

(5) Correspondence or home study is acceptable; provided, however, the criteria outlined in this rule is satisfied.

AUTHORITY: sections 287.123 and 287.650, RSMo Supp. 1993.* *Emergency rule filed July 7, 1994, effective July 17, 1994, expired Nov. 13, 1994. Emergency rule filed Oct. 24, 1994, effective Nov. 14, 1994, expired March 13, 1995. Original rule filed July 8, 1994, effective Jan. 29, 1995.*



**Original authority: 287.123, RSMo 1993 and 287.650, RSMo 1939, amended 1949, 1961, 1980, 1993.*

8 CSR 50-7.090 Grounds for Refusal, Revocation or Suspension of Certification

PURPOSE: This rule identifies the grounds available to the division for refusing to issue a certificate, or for revoking or suspending any certificate that has been issued.

(1) The Missouri Workers' Safety Program may refuse to issue or renew any certificate for failures to comply with the requirements set out in 8 CSR 50-7.070 and 8 CSR 50-7.080. The Missouri Workers' Safety Program shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his/her right to file an appeal with the Labor and Industrial Relations Commission.

AUTHORITY: sections 287.123 and 287.650, RSMo Supp. 1993. Emergency rule filed July 7, 1994, effective July 17, 1994, expired Nov. 13, 1994. Emergency rule filed Oct. 24, 1994, effective Nov. 14, 1994, expired March 13, 1995. Original rule filed July 8, 1994, effective Jan. 29, 1995.*

**Original authority: 287.123, RSMo 1993 and 287.650, RSMo 1939, amended 1949, 1961, 1980, 1993.*

8 CSR 50-7.100 Public Complaint Handling and Disposition Procedure

PURPOSE: This rule establishes a procedure for the receipt, handling and disposition of public complaints.

(1) The Missouri Workers' Safety Program shall receive and process, as appropriate, any complaint made against any certificate holder, registered applicant or other individual entity which alleges certain acts or practices which may constitute one (1) or more violations of the Missouri Workers' Compensation Law. Complaints received from sources outside Missouri shall be processed in the same manner as those that originate within Missouri. The division director or any division staff member may file a complaint pursuant to this rule in the manner as any member of the public.

(2) Complaints should be mailed or delivered to the following address: Missouri Workers' Safety Program, P.O. Box 58, Jefferson City, MO 65102. Complaints may be based upon personal knowledge or beliefs based on information received from other sources.

(3) All complaints should be made in writing and shall fully identify the complainant by name and address.

(4) Each complaint received under this rule will be maintained by the division. The complaint file shall contain a record of each complainant's name and address; the subject(s) of the complaint; the date each complaint is received by the division; a brief statement of the complaint, including the name of any person injured or victimized by the alleged acts or practices; a notation whether the complaint resulted in dismissal by the division or formal charges being filed with the Missouri Department of Insurance or the division director; and the ultimate disposition of the complaint.

(5) Each complaint received under this rule shall be acknowledged in writing.

(6) This rule should not be deemed to limit the Missouri Workers' Safety Program's authority to file any complaint with the Missouri Department of Insurance or the division director charging a certificate holder of any unlawful conduct or violation. The complaint filed by the division shall not be limited to the acts charged in a public complaint.

(7) The division interprets this rule to exist for the benefit of those members of the public who submit complaints to the division. This rule does not create any cause of action for certificate holders against those filing complaints with the division.

AUTHORITY: sections 287.123 and 287.650, RSMo Supp. 1993. Emergency rule filed July 7, 1994, effective July 17, 1994, expired Nov. 13, 1994. Emergency rule filed Oct. 24, 1994, effective Nov. 14, 1994, expired March 13, 1995. Original rule filed July 8, 1994, effective Jan. 29, 1995.*

**Original authority: 287.123, RSMo 1993 and 287.650, RSMo 1939, amended 1949, 1961, 1980, 1993.*

8 CSR 50-7.110 Investigation

PURPOSE: This rule sets forth the procedure to be used in conducting an investigation and responsibilities of the complainant.

(1) Upon receipt of the complaint in proper form, the division may investigate the actions of the certificate holder, applicant or registrant against the complaint as made. In conducting an investigation, the division in its discretion may request the certificate holder,

applicant or registrant under investigation to answer the charges made against such business or person in writing and to produce relevant documentary evidence and may request such person or business to appear before it.

(2) A copy of any written answer of the certificate holder, applicant or registrant shall be furnished to the complainant.

AUTHORITY: sections 287.123 and 287.650, RSMo Supp. 1993. Emergency rule filed July 7, 1994, effective July 17, 1994, expired Nov. 13, 1994. Emergency rule filed Oct. 24, 1994, effective Nov. 14, 1994, expired March 13, 1995. Original rule filed July 8, 1994, effective Jan. 29, 1995.*

**Original authority: 287.123, RSMo 1993 and 287.650, RSMo 1939, amended 1949, 1961, 1980, 1993.*

8 CSR 50-7.120 Denial of Certification

PURPOSE: This rule outlines the procedure to be used to appeal a decision by the Missouri Workers' Safety Program of the Division of Workers' Compensation.

(1) Any individual or business may contest a denial of certification by requesting a hearing before the Labor and Industrial Relations Commission or its designee.

AUTHORITY: sections 287.123 and 287.650, RSMo Supp. 1993. Emergency rule filed July 7, 1994, effective July 17, 1994, expired Nov. 13, 1994. Emergency rule filed Oct. 24, 1994, effective Nov. 14, 1994, expired March 13, 1995. Original rule filed July 8, 1994, effective Jan. 29, 1995.*

**Original authority: 287.123, RSMo 1993 and 287.650, RSMo 1939, amended 1949, 1961, 1980, 1993.*